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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,659	08/28/2001	Hiromi Ishikawa	Q65937	4455

7590 10/19/2004

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EXAMINER	
LEE, SHUN K	

ART UNIT	PAPER NUMBER
2878	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/939,659	ISHIKAWA, HIROMI	
	Examiner	Art Unit	
	Shun Lee	2878	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires *4* months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *1,3,5 and 7*.

   Claim(s) objected to: _____.

   Claim(s) rejected: *2,4,6 and 8-14*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

CONSTANTINE HANNAHER
PRIMARY EXAMINER
GROUP ART UNIT 2878

Continuation of 3. Applicant's reply has overcome the following rejection(s): claims 1, 3, 5, and 7 as being unpatentable under 35 U.S.C. 103(a).

Continuation of 5. does NOT place the application in condition for allowance because: applicant argues that the proposed combination lacks a single cylindrical lens that converges a laser beam, or beams, to form a linear laser beam that is directed to the phosphor sheet since all of the prior art references, Mueller et al., Endriz and Ishiwata, employ an array of lenses. Examiner respectfully disagrees. Endriz states (column 5, lines 44-53) that "Depending on the lateral and transverse beam divergences, it may be possible in some optical systems to combine the transverse collimation of the cylinder lens 17 (or from one of several such cylinder lenses, if more than one cylinder lens is required) with the lateral collimation of the lenslets 20 in a single lens array 18, by forming the lens array 18 with a cylindrical input surface instead of the planar surface shown, or by forming the lenslet output surfaces as ellipsoidal or toroidal surfaces instead of the cylindrical surfaces shown". A lens is defined (The American Heritage® Dictionary of the English Language, Third Edition copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.) as a "ground or molded piece of glass, plastic, or other transparent material with opposite surfaces either or both of which are curved, by means of which light rays are refracted so that they converge or diverge to form an image". Thus, Endriz teaches a single monolithic structure (e.g., see 18 in Figs. 1 and 3 or 51 in Fig. 5) wherein the input and output surfaces of the monolithic structure (i.e., single lens) are shaped (i.e., curved) to provide the desired beam shaping function instead of multiple lenses. In addition, Mueller et al. state (column 5, lines 44-53) that "For simplicity's sake, the reproduction optical devices can be realized using cylinder lenses, for example. In this exemplary embodiment, each laser diode 20 to 29 is used to stimulate several points of the phosphor plate. For this purpose, the reproduction optics device 30 to 39 assigned to their respective laser diode 20 to 29 expands the respective laser diode beam S1 to S9 in the expansion direction B of the line to be stimulated". Therefore it would have been obvious to one having ordinary skill in the art to provide a single cylindrical lens (e.g., an integrated array of cylindrical lenses) in the apparatus of Mueller et al., in order to reduce the number of elements while obtaining the same beam shaping function. Applicant also argues that nowhere within either of the references, Mueller et al. and Endriz, is the benefit of reducing the number of mountings even contemplated. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Endriz clearly teaches integration of multiple lenses into a single lens (as discussed above) while maintaining the same beam shaping function. The immediate consequence of replacing multiple lenses by a single lens is a reduction in the number of elements and the number of required supporting elements. Thus implicit in the disclosure of replacing multiple lenses by a single lens is a reduction in the number of elements required to obtain the same beam shaping function. Therefore there is some teaching, suggestion, or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art for replacing multiple lenses by a single lens with the same beam shaping function resulting in a reduction in the number of elements. Applicant then argues that the optical requirements of Mueller et al. and Endriz teach away from their combination with each other. In response to applicant's argument, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).